

AMENDED IN ASSEMBLY JUNE 22, 2005

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 238

Introduced by Senator Migden

February 15, 2005

An act to *add Section 97 to, and to add and repeal Section 97.3 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.*

LEGISLATIVE COUNSEL'S DIGEST

SB 238, as amended, Migden. Safety Enhancement-Double Fine Zones: Golden Gate Bridge.

Existing law provides for the designation of a specified segment of a state highway as a Safety Enhancement-Double Fine Zone.

This bill would, until January 1, ~~2009~~ 2010, designate the Golden Gate Bridge as a Safety Enhancement-Double Fine Zone, upon approval of a resolution ~~designating it as such in that regard~~ by the Golden Gate Bridge, Highway and Transportation District, ~~and would impose an increased penalty for certain traffic violations committed on the bridge.~~ The bill would also *establish standards for a designation of a highway or road segment as Safety Enhancement-Double Fine Zone and require the Department of Transportation to, by January 1, 2008, prepare an evaluation on the Safety Enhancement-Double Fine Zone and submit a report to the Legislature of the effectiveness of each zone. The bill would impose an increased penalty for certain traffic violations committed in a Safety Enhancement-Double Fine Zone.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 97 is added to the Streets and Highways*
2 *Code, to read:*

3 97. (a) *In order to be designated by statute as a Safety*
4 *Enhancement-Double Fine Zone, a highway or road segment*
5 *shall have experienced a significant number of traffic accidents,*
6 *injuries, and fatalities within the prior three-year period, and*
7 *other traffic safety measures that have been undertaken shall*
8 *have not appreciably reduced the level of those incidents.*

9 (b) *The concurrence in the designation of the Department of*
10 *the California Highway Patrol or local agency having traffic*
11 *enforcement jurisdiction, as the case may be, shall be required*
12 *prior to designation of the zone pursuant to statute, along with a*
13 *resolution supporting the designation from the city, or county*
14 *with respect to an unincorporated area, in which the segment is*
15 *located.*

16 (c) *Each local governing body where a double fine zone is*
17 *designated by statute in its jurisdiction shall, prior to the*
18 *establishment of a double fine zone, do the following:*

19 (1) *Undertake a public awareness campaign to inform the*
20 *public of the double fine zone designation, where it is located, its*
21 *purpose, and its consequences.*

22 (2) *Where appropriate, increased traffic safety enhancements,*
23 *enforcement, and other roadway safety measures shall be*
24 *implemented in coordination with the establishment of the double*
25 *fine zone.*

26 (d) *A Safety Enhancement-Double Fine Zone is subject to the*
27 *rules and regulations adopted by the department prescribing*
28 *uniform standards for warning signs to notify motorists that,*
29 *pursuant to Section 42010 of the Vehicle Code, increased*
30 *penalties apply for traffic violations that are committed within a*
31 *Safety Enhancement-Double Fine Zone.*

32 (e) *The department or the local authority having jurisdiction*
33 *over these highway and road segments shall place and maintain*
34 *the warning signs identifying these segments by stating that a*
35 *“Special Safety Zone Region Begins Here” and a “Special Safety*
36 *Zone Ends Here.” The department shall adopt rules and*
37 *regulations for the administration of a Safety*
38 *Enhancement-Double Fine Zone under this section.*

(f) *Safety Enhancement-Double Fine Zones do not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.*

(1) *Only the base fine shall be enhanced pursuant to this section.*

(2) *Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.*

(g) *The projects specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.*

(h) *The term for a Safety Enhancement-Double Fine Zone shall be limited to four years.*

(i) *One year prior to the termination of each double fine zone, the Department of Transportation shall conduct an evaluation of the effectiveness of the double fine zone and submit its findings in a report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing that shall include a recommendation on whether the zone should be reauthorized by the Legislature.*

SECTION 1.—

SEC. 2. Section 97.3 is added to the Streets and Highways Code, to read:

97.3. (a) The 1.73-mile segment that is the Golden Gate Bridge shall be a Safety Enhancement-Double Fine Zone upon approval of a resolution ~~designating it as such~~ *in that regard* by the Golden Gate Bridge, Highway and Transportation District. The district, in consultation with the department, shall assume all responsibilities that would otherwise accrue to the department for the administration of the Safety Enhancement-Double Fine Zone designated pursuant to this section.

~~(b) The Safety Enhancement-Double Fine Zone described in subdivision (a) is subject to the rules and regulations adopted by the department prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for traffic violations that are~~

1 committed within a Safety Enhancement-Double Fine Zone. The
2 Golden Gate Bridge, Highway and Transportation District shall
3 place and maintain the warning signs identifying this segment by
4 stating that a “Special Safety Zone Region Begins Here” and a
5 “Special Safety Zone Ends Here.”

6 ~~(c) Designation of the segment in subdivision (a) as a Safety~~
7 ~~Enhancement-Double Fine Zone does not increase the civil~~
8 ~~liability of the state or the Golden Gate Bridge, Highway and~~
9 ~~Transportation District under Division 3.6 (commencing with~~
10 ~~Section 810) of Title 1 of the Government Code or any other~~
11 ~~provision of law relating to civil liability.~~

12 ~~(d) (1) Only the base fine shall be enhanced pursuant to this~~
13 ~~section.~~

14 ~~(2) Notwithstanding any other provision of law, any additional~~
15 ~~penalty, forfeiture, or assessment imposed by any other statute~~
16 ~~shall be based on the amount of the base fine before enhancement~~
17 ~~or doubling and shall not be based on the amount of the enhanced~~
18 ~~fine imposed pursuant to this section.~~

19 ~~(e) The project specified in subdivision (a), if eligible for state~~
20 ~~funding, shall not be elevated in priority for state funding~~
21 ~~purposes.~~

22 ~~(f) The Safety Enhancement-Double Fine Zone described in~~
23 ~~subdivision (a) shall, where appropriate and feasible, be~~
24 ~~established in combination with increased traffic enforcement~~
25 ~~and other roadway safety measures. A public awareness~~
26 ~~campaign shall also be undertaken as part of the Safety~~
27 ~~Enhancement-Double Fine Zone.~~

28 ~~(g) The department shall, by January 1, 2008, prepare an~~
29 ~~evaluation on the effectiveness of the Safety~~
30 ~~Enhancement-Double Fine Zone described in subdivision (a) and~~
31 ~~submit a report to the Senate Committee on Transportation and~~
32 ~~Housing and the Assembly Committee on Transportation. The~~
33 ~~report shall also include a recommendation on whether to~~
34 ~~reauthorize the Safety Enhancement-Double Fine Zone described~~
35 ~~in subdivision (a).~~

36 ~~(h)~~

37 ~~(b) This section shall remain in effect only until January 1,~~
38 ~~2009, 2010, and as of that date is repealed, unless a later enacted~~
39 ~~statute, that is enacted before January 1, 2009, 2010, deletes or~~
40 ~~extends that date.~~

1 ~~SEC. 2.—~~

2 SEC. 3. Section 42010 is added to the Vehicle Code, to read:

3 42010. (a) For any offense specified in subdivision (b) that is
4 committed by the driver of a vehicle within an area that has been
5 designated as a Safety Enhancement-Double Fine Zone pursuant
6 to ~~Section 97.3~~ 97 *and following* of the Streets and Highways
7 Code, the fine, in a misdemeanor case, shall be double the
8 amount otherwise prescribed, and, in an infraction case, the fine
9 shall be one category higher than the penalty otherwise
10 prescribed by the uniform traffic penalty schedule established
11 pursuant to Section 40310.

12 (b) A violation of any of the following provisions is an offense
13 that is subject to subdivision (a):

14 (1) Chapter 3 (commencing with Section 21650) of Division
15 11, relating to driving, overtaking, and passing.

16 (2) Chapter 7 (commencing with Section 22348) of Division
17 11, relating to speed limits.

18 (3) Section 23103, relating to reckless driving.

19 (4) Section 23104, relating to reckless driving that results in
20 bodily injury to another.

21 (5) Section 23109, relating to speed contests.

22 (6) Section 23152, relating to driving under the influence of
23 alcohol or a controlled substance, or a violation of Section
24 23103, as specified in Section 23103.5, relating to alcohol-related
25 reckless driving.

26 (7) Section 23153, relating to driving under the influence of
27 alcohol or a controlled substance, which results in bodily injury
28 to another.

29 (8) Section 23220, relating to drinking while driving.

30 (9) Section 23221, relating to drinking in a motor vehicle
31 while on the highway.

32 (10) Section 23222, relating to driving while possessing an
33 open alcoholic beverage container.

34 (11) Section 23223, relating to being in a vehicle on the
35 highway while possessing an open alcoholic beverage container.

36 (12) Section 23224, relating to being a driver or passenger
37 under the age of 21 possessing an open alcoholic beverage
38 container.

39 (13) Section 23225, relating to being the owner or driver of a
40 vehicle in which there is an open alcoholic beverage container.

1 (14) Section 23226, relating to being a passenger in a vehicle
2 in which there is an open alcoholic beverage container.

3 (c) This section applies only when traffic controls or warning
4 signs have been placed pursuant to Section 97.3 of the Streets
5 and Highways Code.

6 (d) (1) Notwithstanding any other provision of law, the
7 enhanced fine imposed pursuant to this section shall be based
8 only on the base fine imposed for the underlying offense and
9 shall not include any other enhancements imposed pursuant to
10 law.

11 (2) Notwithstanding any other provision of law, any additional
12 penalty, forfeiture, or assessment imposed by any other statute
13 shall be based on the amount of the base fine before enhancement
14 or doubling and shall not be based on the amount of the enhanced
15 fine imposed pursuant to this section.